Hudson, Roger L

From: Scissons, Betty
Sent: Tuesday, May 17, 2011 9:48 AM
To: Hudson, Roger L
Cc: Back, William
Subject: RE: Coordination: Faber v. United States, et al.

Importance: High

Okay, I have a copy of the Constitution and By-laws of the Metlakatla Indian Community. There are 5 amendments total and they are as follows:

Amendment No. 1 is to amend Article V - Judiciary (as shown in the constitution) approved by Acting Portland Area Director, Ron Brown on 6/7/88.

Amendment No. 2 was to amend Article III - Local Government, Section 3. 2nd paragraph starting with "There will be a Primary Election . . . " approved by the Portland Area Director on 8/21/89. (as shown in the constitution).

Amendment No. 3 was also to amend Article III - Local Government, Section 3 3rd paragraph starting with "There will be Primary Election if there are thirteen (13) or more candidates . . ." approved by the Portland Area Director on 8/21/89, (as shown in the constitution).

Amendment No. 4 was to amend Article II - Membership - Section 2, whereas they are changing the age of members the right to vote from 21 to 18 years, approved by the Portland Area Director on 1/9/92. Same amendment same Article II - Membership - Section 4 whereas they are also changing the age 21 to 18 years of age for individuals who desire to become a member, approved by the Portland Area Director on 1/9/92.

Amendment No. 5 Article III, Section 3 first paragraph also changing the age from 21 years to 18 years.

However, after reviewing the constitution, all those 3 age changes did not get incorporated into the revised constitution, so I did advise the tribe and the Superintendent of the Metlakatla Agency, BIA, of those needed changes, but I haven't heard from them.

So do you want a copy of all the amendments, and the constitution which has amendments 1, 2, and 3. Or do you just want the constitution as it is? Please advise.

Thank you.

-----Original Message-----
From: Hudson, Roger L
Sent: Monday, May 16, 2011 10:21 AM
To: Scissons, Betty
Cc: Back, William; Bair, Tyler (ENRD)
Subject: RE: Coordination: Faber v. United States, et al.

Betty -- Thanks so much. We try to keep a complete collection of current Alaska IRA documents on hand here, but of course Metlakatla has been out of Alaska Region jurisdiction for some time now. -- Roger

-----Original Message-----
From: Scissons, Betty
Sent: Monday, May 16, 2011 8:16 AM

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Office of Regional Solicitor
Alaska Region

Constitution and By-laws
of the
Metlakatla Indian Community

This is a publication of the Constitution and By-laws of the Metlakatla Indian Community as of December 12, 1989.

METLAKATLA INDIAN COMMUNITY

Patricia L. Gunyah
Acting Secretary

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TRIBAL GOVERNMENT SERVICES
NORTHWEST REGIONAL OFFICE

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CONSTITUTION AND BY-LAWS OF THE METLAKATLA INDIAN COMMUNITY, ANNETTE ISLANDS RESERVE, ALASKA

PREAMBLE

Whereas, by the Act of March 3, 1891, the Congress of the United States set apart the lands known as the Annette Islands for the use and occupancy of the Metlakatla Indians and other natives of Alaska who might be permitted to join them; and

Whereas, the President of the United States on April 28, 1916 reserved the waters surrounding these islands to a distance of 3,000 feet from the shore line for the use and benefit of the Metlakatla Indians and such other Alaska natives as had joined or might join them; and

Whereas, the Metlakatla Indians have for many years enjoyed a large share of the responsibility for the administration of their affairs under the "Rules and Regulations for Annette Islands Reserve" approved by the Secretary of the Interior on January 28, 1915,

Now, therefore, we, the Metlakatla Indians of Annette Islands Reserve, desiring to take advantage of the benefits available to Indian communities under the Acts of Congress of May 1, 1936, and June 18, 1934, and to enjoy greater freedom and opportunity in the handling of our affairs and in providing for the welfare of our people do ordain and establish this Constitution for the Metlakatla Indian Community of the Annette Islands Reserve.

ARTICLE I -- JURISDICTION

The Metlakatla Indian Community shall for all purposes of this Constitution exercise jurisdiction over all the territory and waters described in the aforesaid Act of March 3, 1891, and the Presidential Proclamation of April 28, 1916, and such other lands and waters as may in the future be acquired by or reserved for the Community.

ARTICLE II -- MEMBERSHIP

SECTION 1. The Members of the Metlakatla Indian Community shall be all adult persons whose names appear on a list of the members of the Annette Islands Reserve prepared by the Council of the Reserve with the assistance of the local representative of the Office of Indian Affairs. The Community Council shall maintain a current list of all members of the Community.

SECTION 2. Before exercising the right to vote for members of the Council or otherwise to participate in the government of the Community, natives of Metlakatla now ~~21~~ 18 years old or over, all minors coming of age, and all other natives of Alaska who may be admitted to membership in the Community by vote of the Council, as herein provided, shall subscribe to the following declaration:

amendment 4
1/9/92

DECLARATION

"We, the people of the Metlakatla Indian Community of the Annette Islands Reserve, Alaska, do severally subscribe to the following principles of good citizenship:

1. To be faithful and loyal to the Government of the United States of America.

2. To be loyal to the local government of our Community, to obey its ordinances and regulations, and to obey all applicable laws of the Terrritory of Alaska and of the United States.

3. To cooperate earnestly in all endeavors for the education of our children, for the advancement of the Community, and for the suppression of all forms of vice."

SECTION 3. All minor children of present or former members of the Annette Islands Reserve or of the Community shall be considered members of the Community until they reach their majority, at which time, in order to continue their membership, they must sign the declaration as provided in paragraph 3 of Section 4 of this Article.

SECTION 4. A native of Alaska of indigenous race, over ~~21~~ 18 years of age, who has maintained residence within the Annette Islands Reserve for a period of not less than one year, hereafter desiring to become a member of the Community shall proceed as follows:

Amendment # 4 dated 1-9-92

1. Make application in writing to the Council at Metlakatla, Alaska, for admission to membership in the Community.

2. If the Council approves the application by a vote of three-fourths of its entire membership, the applicant shall come before a meeting of the Council upon proper notice of the time and place of such meeting.

3. In the presence of the Mayor and Council, the declaration in Section 2 of this Article shall be read to the applicant, and he or she shall sign a copy of the declaration before two witnesses.

4. After the declaration has been duly signed and witnessed the Mayor shall declare the applicant a member of the Metlakatla Indian Community.

5. Minor children of persons so admitted shall be members of the Community, but upon attaining their majority they shall, in order to continue their membership, proceed as set forth in paragraph 3 above.

SECTION 5. The Council is authorized, by a vote of three-fourths of its entire membership, to elect as members of the Community, with full rights and privileges, such British Columbia Indians as may have joined the colony at Metlakatla since January

1, 1900, and maintained residence there for a period of not less than two years.

SECTION 6. Continuous absence from Annette Islands Reserve for two years or longer, unless the member so absent shall notify the Council in writing, within such two-year period, of his intention to return, shall constitute forfeiture of membership in the Community. Such person may be readmitted to membership in the Community as provided in Section 4 of this Article.

ARTICLE III -- LOCAL GOVERNMENT

SECTION 1. The local government of the Metlakatla Indian Community shall be vested in a Council consisting of 12 members, all of whom shall be members of the Community.

SECTION 2. The officials of the Metlakatla Indian Community shall be a Mayor, a Secretary and a Treasurer.

SECTION 3. The members of the Council and the officials of the Community shall be elected by ballot, printed or written, on the first Tuesday after the first Monday of November in each year, at which election all members of the Community above the age of ~~21~~ 18 and not in arrears for nonpayment of taxes, fines, or fee for a permit to occupy a tract of land, shall have the right to vote. Amendment # 5 on 1-9-92

Amendment #2 Approved 8/2/89

There will be a Primary Election if there are three or more candidates, who have filed their intention for any of the official offices of the Community. The two candidates who receive the highest number of votes in the primary shall be placed on the ballot in the Annual Election. All Primary Elections shall be held on the first Tuesday after the first Monday in October each year. The Secretary shall post within the first three days after the primary the names of the successful candidates and prepare the ballots for the November Annual Election. The Council shall prescribe rules regarding the place and conditions of the Primary Elections. Notices of the Primary Election shall be posted in three or more places in the Reserve at least ten days prior to such election.

Amendment #3 Approved 8/2/89

There will be a Primary Election if there are thirteen (13) or more candidates for Council who have filed their notices of intention pursuant to this Constitution. The twelve (12) candidates receiving the highest number of votes shall be placed on the ballot in the Annual Election. If there are twelve (12) or less candidates for Council, there shall be no primary for that year. The Secretary will post within three days after the primary, the names of the successful candidates and prepare ballots for the November Annual Election.

The members of the Council and the officials of the Annette Islands Reserve in office at the time when this Constitution is, with the approval of the Secretary of the Interior, ratified by the Metlakatla Indians, shall continue in office with all the duties and powers of councilmen and officials as set forth in this Constitution until the expiration of their terms of office as

provided in the "Rules and Regulations for Annette Islands Reserve."

At each election each voter may be required to present his receipt for taxes, fines or fee for a permit to occupy a tract of land, as evidence that he is entitled to vote.

Only members of the Community above the age of 21, not in arrears for nonpayment of taxes, fines or fees shall be eligible for election to any office or to membership in the Council.

It shall be the duty of the Secretary to prepare ballots showing the names of all candidates who have filed notice of their intention to run for office not earlier than September 1 nor later than the second Tuesday in September.

The Secretary shall, within three days after each election, report the names of the members of the Council and the officials elected to the local representative of the Office of Indian Affairs at Metlakatla.

SECTION 4. The members of the Council and the officials elected shall enter upon their duties on the first Monday in January.

SECTION 5. The members of the Council shall hold office for two years; provided that six members of the Council shall continue to be elected each year as provided in the "Rules and Regulations for the Annette Islands Reserve."

The Mayor, the Secretary and the Treasurer shall hold office for two years or until their successors have duly qualified, beginning with the expiration of the terms of the present holders of these offices.

SECTION 6. At the first meeting of the Council in January the members shall elect from their own number one person to be chairman of the Council in the absence of the Mayor. Such chairman shall assume all the duties of the Mayor when the Mayor is absent from the Reserve. In signing official papers in the absence of the Mayor the chairman shall use the title "Acting Mayor."

SECTION 7. The Council shall have regular monthly meetings except during any period of the year when it would prove a hardship on the members of the Council to leave their personal labors in order to attend such meetings. At such times the Executive Committee provided for by Article II, Section 1 of the By-laws shall carry on the work of the Council and report its action at the first regular meeting of the Council thereafter.

SECTION 8. All regular meetings of the Council shall be open to the public, but no one not having a seat in the Council shall be permitted to discuss matters before the Council except by permission or upon the invitation of the Council. Seven members of the Council shall constitute a quorum.

ARTICLE IV -- THE POWERS OF THE COUNCIL

SECTION 1. The Council shall have power to pass such ordinances for the local government of the Community as shall not be in conflict with the laws of the United States, and, wherever there is no applicable clause of the Constitution nor an ordinance of the Metlakatla Indian Community the Council shall have authority to apply and enforce Federal law within the boundaries of the Annette Islands Reserve as the law of the Community, except in cases over which the District Court for Alaska may have exclusive jurisdiction.

A copy of each ordinance passed by the Council and certified by the signature of the Mayor or of the Acting Mayor shall, within three days after its passage, be handed by the Secretary to the local representative of the Office of Indian Affairs at Metlakatla.

SECTION 2. The Council shall have power to employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior; to prevent the sale, disposition, lease or encumbrance of Community lands, interests in lands, or other Community assets without the consent of the Community; and to negotiate with the Federal and Territorial governments.

SECTION 3. The Council is authorized to levy an annual tax of three dollars ($3), or of such a sum as it may deem necessary not exceeding three dollars ($3) upon each able-bodied male member of the Community between the ages of 21 and 60, said tax to be collected by the Secretary and expended for public purposes, as the Council shall direct. The Council may, by two-thirds vote of its membership, remit the annual tax of any individual who because of continued sickness, poverty, or physical or mental disability is unable to pay said tax.

SECTION 4. The Council shall have authority to direct by its ordinance that every able-bodied male resident of the Community shall perform, without remuneration, in each calendar year not more than two days labor of 8 hours each on the streets, roads, wharves, public buildings, or other public improvements within the Annette Islands Reserve undertaken by order of the Council.

The Secretary shall keep a record of the labor thus performed, showing the dates, the number of hours, and the character of the service rendered by each person.

SECTION 5. The Council shall direct the Secretary to draw warrants on the Treasurer in payment of all valid claims against funds subject to its control. All such warrants shall be signed by the Mayor or by the Acting Mayor.

SECTION 6. The Council may issue to members of the Community permits to occupy land within the Reserve and it may cancel such permits as provided in Section 1, Article VI of this Constitution.

SECTION 7. At the first meeting of the Council in each year the Council shall elect an auditing committee of three members and a public health committee of three members. From time to time, as the Council may deem necessary, it may constitute other committees and define their duties. All committees elected under this Constitution shall serve without remuneration.

The Secretary shall, within three days after their election report the names of persons elected to membership in committees to the local representative of the Office of Indian Affairs at Metlakatla.

SECTION 8. The Council shall have authority to employ such a number of competent persons as constables as it may deem necessary in order to enforce its ordinances, to define their duties and to fix their remuneration, if any. The constables shall be under the immediate control of the Mayor or of the Acting Mayor, subject to the instructions of the Council.

SECTION 9. The Council may create such additional offices, not in conflict with this Constitution, as it may deem necessary for the effective administration of the local government, provide for the filling of such offices, define the duties of the same, and fix the amount of the remuneration, if any.

SECTION 10. The Council shall prescribe rules regarding the place and conditions of the annual election. Notices of said election shall be posted in three or more places in the Reserve at least 10 days prior to such election.

SECTION 11. The Council may by the vote of three-fourths of its entire membership remove the Mayor, Secretary, Treasurer or other official, but only after reasonable notice and upon sufficient evidence offered at an open meeting that he is unworthy to hold office; and the Council may by the same procedure and the vote of three-fourths of its entire membership, expel a member of the Council.

SECTION 12. When a vacancy occurs in the membership of the Council or in any office, the Council may, until the time of the next annual election, temporarily fill such vacancy by a two-thirds vote of its membership, and provide for the induction into office of the person so elected.

SECTION 13. The Council may provide for mass meetings of the members of the Community. Public questions may be discussed at these meetings and the Secretary of the Council shall take note of any petition made on these occasions and preserve it among the official records of the Community.

ARTICLE V -- JUDICIARY

The judicial power of the Community shall be vested in a court or courts as provided by the Council by ordinance. Such court or courts shall consist of judges whose election, terms and compensation shall be determined by the Council

Cont on next page

Amendment #1 Approved 6/7/88

Amendment #1

The courts so established shall exercise the civil, criminal and appellate jurisdiction of the Community within the lands and waters of the Annette Islands Reserve in a manner consistent with applicable Federal law.

ARTICLE VI -- OCCUPANCY OF LAND

SECTION 1. The Council, at any of its regular monthly meetings, shall be authorized to issue to any member of the Community unprovided with a parcel of land in the Town of Metlakatla the following permit:

Permit No. _____.

Metlakatla, Alaska
(Date)_____, 19__

This certifies that _____, of Metlakatla is authorized to enter upon and occupy that tract or parcel of land in Metlakatla, on Annette Islands in the Territory of Alaska, more particularly described as follows, viz.: Lot No. _____ of the Town of Metlakatla, according to the adopted plat thereof, and measuring _____ feet by _____.

This permit shall be evidence thereof, except it be before by us canceled upon our register by a two-thirds vote of the membership of the Council for abandonment or for other reason deemed by the Council to be good and sufficient, or except it be before by us canceled upon the request of the person to whom it has been issued.

Done by our order, under our seal, the day and the year first above written.

METLAKATLA INDIAN COMMUNITY

By: _____,
Mayor

/SEAL/

_____,
Secretary

SECTION 2. The Council is authorized to issue similar permits for the occupancy and use of such tracts of land, other than mineral land, on Annette Islands as are cultivable to any member of the Community who may be willing to clear and cultivate the same; not more than 10 acres of such land shall be assigned to any one person.

A description of each parcel of land thus assigned shall be made by the local representative of the Office of Indian Affairs and the description of each tract of land assigned shall in each case be written out in full in the permit covering its assignment.

SECTION 3. A fee of five dollars ($5) shall be paid by each member of the Community hereafter receiving a permit to occupy land, other than mineral, within the Reserve. Such fees shall be collected by the Secretary and by him deposited with the

Treasurer, to be expended for public purposes, as the Council may direct.

SECTION 4. Every permit to occupy a lot within the Town of Metlakatla or to occupy a tract of land within Annette Islands Reserve issued under this Constitution shall be made in triplicate. The original permit shall be held by the person to whom it has been issued; the duplicate copy shall be preserved by the Secretary in the official records of the Community; the triplicate copy shall be furnished the local representative of the Office of Indian Affairs.

SECTION 5. All permits to occupy land within the Town of Metlakatla or any other tract of land within the Annette Islands Reserve in force at the date of adoption of this Constitution and By-laws are recognized as being in full force and effect and as of equal validity with those issued hereafter under Sections 1 and 2 of this Article. An official record of such permits shall be made and preserved by the Secretary, and a list certified by the Mayor, stating the names of the persons holding such permits, the dates of the permits, and the number of the lot in the Town of Metlakatla or the description of the tract covered by each permit, shall be furnished by the Secretary to the local representative of the Office of Indian Affairs.

SECTION 6. Should any permit to occupy land within or without the Town of Metlakatla be canceled for abandonment, if the occupant leaves the property without making proper provision for its upkeep, or for any other reason, as provided in Section 1 of this Article, the person whose permit is canceled shall receive for improvements upon such assignment such compensation, payable from the funds under the control of the Council, as may be fixed by two-thirds vote of the entire membership of the Council. Such improvements for which compensation has thus been made shall be the property of the Community. The Council shall have power by its permit to transfer to another person such assignment with the improvements thereon upon such terms as the Council may prescribe. A full and complete record of all such proceedings, certified by the Mayor, shall in each and every case be furnished by the Secretary of the Council to the local representative of the Office of Indian Affairs.

ARTICLE VII -- SPECIAL PROVISIONS

SECTION 1. The local representative of the Office of Indian Affairs may be present at all Council meetings, and when he is present he shall have all the privileges of a member of the Council, except that he shall have no vote.

SECTION 2. Members of the Community wishing to form companies or corporations in order to conduct commercial enterprises may do so in accordance with the ordinances and regulations of the Council.

SECTION 3. The mineral and other natural resources of the Annette Islands and the waters to the distance of 3,000 feet

surrounding these islands shall be Community assets. In developing such resources the Council may on behalf of the Community as a whole undertake appropriate industrial and commercial enterprises or authorize, under such regulations as it shall prescribe, the organization of associations composed of all or any number of the members of the Community. All profits resulting from activities of such enterprises or associations shall be deposited in the treasury of the Community unless in the case of any organization organized under this Section its articles of association shall provide otherwise. A full and complete description of all such activities shall be filed with the Secretary of the Interior.

SECTION 4. The Council shall have the right, subject to the approval of the Secretary of the Interior, to enter into leases for the development of the resources of the Reserve.

SECTION 5. Permits may be given by the Council to members of the Community to cut timber on the Annette Islands Reserve for lumber and piling on condition that they pay to the Secretary of the Community $1.00 per thousand board feet for all logs sold away from the Reserve, and $.50 per thousand board feet for all logs to be used for lumber or piling on the Reserve, or such other amounts as may be determined by the Council.

SECTION 6. All funds paid to the Secretary of the Community as fees on timber and other resources shall revert to the general fund of the Community for such uses as the Council may direct.

ARTICLE VIII -- AMENDMENTS

This Constitution and the attached By-laws may be amended by a majority vote of the qualified voters of the Metlakatla Indian Community voting at an election called for the purpose by the Secretary of the Interior, provided at least 30 percent of the eligible voters vote in such election; but no amendment shall become effective until it shall have been approved by the Secretary of the Interior.

It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment upon receipt of a resolution adopted by two-thirds vote of the Council or a petition signed by one-third of the eligible voters of the Community.

BY-LAWS OF THE METLAKATLA INDIAN COMMUNITY

ARTICLE I -- THE DUTIES OF OFFICIALS

SECTION 1. The Mayor shall be the executive head of the Community. He shall preside at the meetings of the Council, but he shall not vote except in case of a tie vote in that body, when he shall cast the deciding vote.

SECTION 2. The Mayor shall call a special meeting of the Council whenever he deems such procedure necessary, or when he is requested in writing to call such a meeting by five or more members of the Council. He shall notify each member of the

Council, the Secretary, the Treasurer and the local representative of the Office of Indian Affairs, either by special messenger or through the United States mail, of the time and place of the meeting.

SECTION 3. The Mayor shall sign all warrants drawn by order of the Council on the Treasurer. He shall receive a salary of $300 per year or such amount as shall be fixed by the Council.

SECTION 4. The Mayor shall be chairman of the Executive Committee hereinafter provided for, and he shall call a meeting of this Committee at least once a month for the consideration of questions relative to the welfare of the Community.

SECTION 5. The Mayor shall have immediate control of the constables.

SECTION 6. The Mayor shall be custodian of all public buildings and property of the Community on Annette Islands Reserve.

SECTION 7. The Secretary shall keep the minutes of all proceedings of the Council; he shall attend to the official correspondence of the Council and he shall be the custodian of all the official documents of the Community.

SECTION 8. The Secretary shall collect, without commission, and receipt for all taxes, fines and fees levied by the Council, and shall deposit said payments with the Treasurer taking proper receipt therefor.

SECTION 9. The Secretary shall prepare for signature of the Mayor all warrants on the Treasurer as ordered by the Council.

SECTION 10. The Secretary shall keep a record of the births and deaths in the Community, and shall report these vital statistics every month to the local representative of the Office of Indian Affairs.

SECTION 11. The Secretary shall be a member, ex officio, of the Executive Committee; he shall keep a record of its proceedings and shall present all recommendations of this Committee to the Council when it convenes.

SECTION 12. The Secretary shall post a copy of every ordinance passed by the Council before it becomes operative in at least three public places on the Reserve, and a fourth copy he shall, within three days after its passage, hand to the local representative of the Office of Indian Affairs.

SECTION 13. The Secretary shall receive the salary of $600 per annum, or such other amount as may be fixed by the Council.

SECTION 14. The Secretary shall give a bond to the Council for the faithful performance of all his official duties. This bond shall be subject to the approval of the Commissioner of Indian

Affairs. The annual premium on the bond of the Secretary shall be paid from funds under the control of the Council.

Until otherwise ordered by the Council, with the approval of the Commissioner of Indian Affairs, the amount of the bond of the Secretary shall be fixed at $5,000.

SECTION 15. The Treasurer shall receive from the Secretary all moneys collected by him, rendering proper receipts therefor.

SECTION 16. The Treasurer shall pay out money only upon warrants drawn upon him by the Secretary and countersigned by the Mayor or by the Acting Mayor. All warrants paid shall be preserved in his official files.

SECTION 17. The Treasurer shall keep in a book which shall at all times be open to the inspection of the Mayor, the Secretary, the auditing committee and authorized representatives of the Office of Indian Affairs, a correct copy of all moneys received and paid out by him.

SECTION 18. The Treasurer shall be, ex officio, a member of the Executive Committee.

SECTION 19. The Treasurer shall make an annual report to the Council at the last meeting in October, giving a full account of all receipts and disbursements for the year.

SECTION 20. The Treasurer shall receive for his services $240 per year, or such other amount as may be fixed by the Council.

SECTION 21. The Treasurer shall give bond to the Council for the faithful disbursement of all moneys which may come into his hands by virtue of his office and for the faithful performance of all his official duties. His bond shall be subject to approval by the Commissioner of Indian Affairs. The annual premium on the bond of the Treasurer shall be paid from funds under the control of the Council.

Until otherwise ordered by the Council, with the approval of the Commissioner of Indian Affairs, the amount of the bond of the Treasurer shall be fixed at $5,000.

ARTICLE II -- THE DUTIES OF THE COMMITTEES

SECTION 1. The Executive Committee shall be composed of the Mayor, who shall be, ex officio, its chairman, the Secretary, the Treasurer, and the local representative of the Office of Indian Affairs. The Executive Committee shall meet at least once a month. Meetings, however, may be called at any time by the Mayor or by the local representative of the Office of Indian Affairs.

SECTION 2. It shall be the duty of the Executive Committee to make recommendations to the Council regarding the ways and means for bettering the conditions of the Community. The Secretary shall keep a record of the proceedings of the Committee and shall report

its recommendations to the Council.

SECTION 3. In the absence of a majority of the members of the Council from the Reserve, the Executive Committee shall carry on the work of the Council and shall report its actions in full to the Council at its next meeting; provided that the Executive Committee shall have no power to levy taxes or fines, or to repeal any ordinance passed by the Council.

SECTION 4. The Council may add to the duties of the Executive Committee from time to time.

SECTION 5. It shall be the duty of the auditing committee, elected as provided in Article IV, Section 7 of the Constitution to audit all claims against funds controlled by the Council and to report upon the same to the Council at the next meeting of that body. This committee shall audit the accounts of the Treasurer and make a report on the same to the Council at the last meeting in October of each year and at such other times as the Council shall direct.

SECTION 6. It shall be the duty of the public health committee, elected as provided in Article IV, Section 7 of the Constitution to assist the Secretary in collecting and preserving the vital statistics, to cooperate with the local representative of the Office of Indian Affairs who is a Territorial Health Officer, in maintaining sanitary conditions throughout Annette Islands Reserve and enforcing quarantine regulations.

ARTICLE III -- RATIFICATION OF CONSTITUTION AND BY-LAWS

This Constitution and By-laws shall be effective upon its ratification by a majority vote of those voting at an election called for the purpose by the Secretary of the Interior, provided at least 30 percent of those entitled to vote shall vote in such election, such ratification to be formally certified by the present Mayor and Council.

The persons entitled to vote are all the adult Metlakatla Indians of purpose by the Secretary of the Interior, provided at least 30 percent on a list of such Indians compiled by the Council with the assistance of the local representative of the Office of Indian Affairs under the Instructions of the Secretary of the Interior.

This Constitution and By-laws are herewith approved by the Assistant Secretary of the Interior and submitted for ratification by members of the Metlakatla Indian Community, Annette Islands Reserve, Territory of Alaska, in a popular referendum called and held under the Instructions of the Secretary of the Interior.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said Constitution and By-laws will be inapplicable to the Metlakatla Indian Community, Annette Islands Reserve, Territory of Alaska,

from and after the date of adoption of this Constitution.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said Constitution and By-laws.

/SEAL/

Oscar L. Chapman
Assistant Secretary of the Interior

Washington, D.C., August 23, 1944.

C E R T I F I C A T I O N

Pursuant to an order approved August 23, 1944, by the Assistant Secretary of the Interior, the attached Constitution and By-laws were submitted for ratification to the members of the Metlakatla Indian Community, Annette Islands Reserve, Territory of Alaska, and were on December 19, 1944, duly ratified by a vote of 105 for, and 17 against, in an election in which over 30% of those entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984) as amended by the Act of June 15, 1935 (49 Stat. 378) and the Act of May 1, 1936 (49 Stat. 1250).

Mrs. Ted S. Blandov
Chairman, Election Board

Mrs. Cora Lang
Secretary, Election Board

Wendell H. Cordle
Government Representative

C E R T I F I C A T I O N

Pursuant to a Secretarial Election authorized by the Area Director, Portland Area Office, Bureau of Indian Affairs on June 8, 1987, an amendment to Article V -- Judiciary, of the Constitution of the Metlakatla Indian Community was submitted to the qualified voters of the tribe and was on December 15, 1987 duly adopted by a vote of 125 for and 47 against, and 4 cast ballots found to be spoiled or mutilated, in an election in which at least thirty percent (30%) of the 176 entitled to cast their ballots, in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

December 15, 1987

Henry C. Alameda, Sr.
Chairman, Election Board

Beverly Guthrie
Election Board Member

Gregory Auriol Argel
Election Board Member

Johanna Bolton
Election Board Member

Ronald A. Brown
Acting Area Director

CERTIFICATION

Pursuant to a Secretarial Election authorized by the Area Director, Portland Area Office, Bureau of Indian Affairs on May 17, 1989, an amendment to Article III -- Local Government, of the Constitution of the Metlakatla Indian Community was submitted to the qualified voters of the tribe and was on August 4, 1989 duly adopted by a vote of 116 for and 10 against, in an election in which at least thirty percent (30%) of the 126 entitled to cast their ballots, in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

August 21, 1989

Henry C. Alameda, Sr.
Chairman, Election Board

Bernice G. Scudero
Election Board Member

Gregory Auriol Argel
Election Board Member

Johanna Bolton
Election Board Member

Stanley Speaks
Area Director

APPENDICES

ACT OF MARCH 3, 1891 (26 Stat. 1101)

SECTION 15. That until otherwise provided by law the body of lands known as Annette Islands, situated in Alexander Archipelago in Southeastern Alaska, on the north side of Dixon entrance, is, and the same is hereby set apart as a reservation for the use of the Metlakatla Indians, and those people known as Metlakatlans who have recently emigrated from British Columbia to Alaska, and such other Alaska Natives as may join them, to be held and used by them in common under such rules and regulations, and subject to such restrictions, as may be prescribed from time to time by the Secretary of the Interior.

By the President of the United States of America
A PROCLAMATION

WHEREAS it is provided by section fifteen, of the act of Congress, approved March third, eighteen hundred and ninety-one, entitled "An Act To repeal timber-culture laws, and for other purposes,"that "Until otherwise provided by law, the body of lands known as Annette Islands, situated in the Alexander Archipelago in southeastern Alaska, on the north side of Dixon's entrance, be, and the same is hereby, set apart as a reservation for the use of the Metlakatla Indians, and those people known as Metlakatlans who have recently emigrated from British Columbia to Alaska, and such other Alaskan natives as may join them, to be held and used by them in common, under such rules and regulations, and subject to such restrictions, as may be prescribed from time to time by the Secretary of the Interior," and

WHEREAS the Secretary of the Interior, with a view to assisting the Metlakatlans to self-support, has decided to place in operation a cannery on Annette Island; and

WHEREAS it is therefore necessary that fishery in the waters contiguous to the hereinafter described group compromising the Annette Islands to reserved for the purpose of supplying fish and other aquatic products for said cannery;

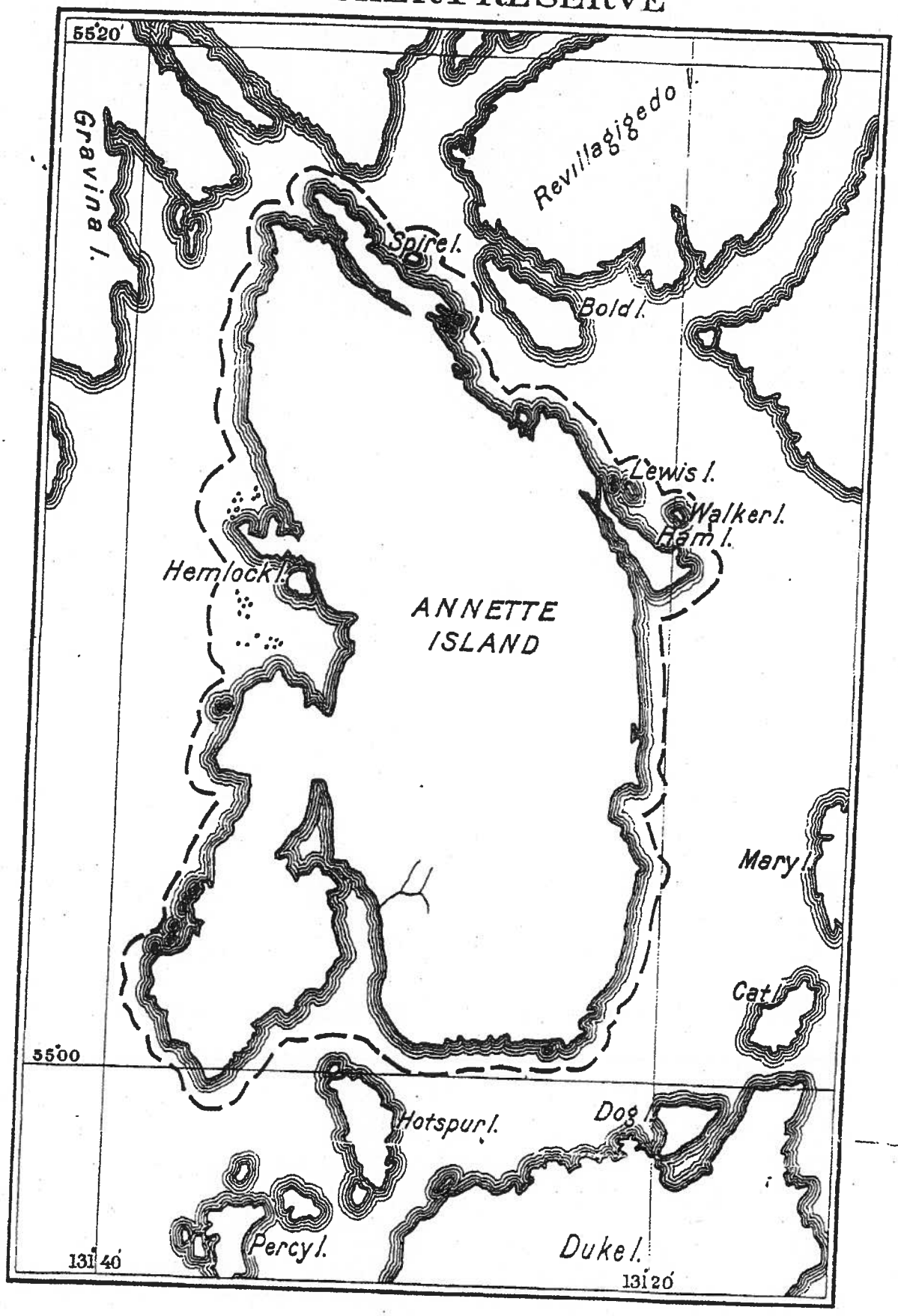
Now, therefore, I, Woodrow Wilson, President of the United States of America, by virtue of the power in me vested by the laws of the United States, do hereby make known and proclaim that the waters within three thousand feet from the shore lines at mean low tide of Annette Island, Ham Island, Walker Island, Lewis Island, Spire Island, Hemlock, and adjacent rocks and islets, located within the area segregated by the broken line upon the diagram hereto attached and made a part of this proclamation; also the bays of said islands, rocks, and islets, are hereby reserved for the benefit of the Metlakatlans and such other Alaskan natives as have joined them or may join them in residence on these islands, to be used by them under the general fisheries laws and regulations of the United States as administered by the Secretary of Commerce.

Warning is hereby expressly given to all unauthorized persons not to fish in or use any of the waters herin described or mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this 28th day of April, in the year of our Lord one thousand nine hundred and sixteen,
(SEAL) and of the Independence of the United States the one hundred and fortieth.

By the President:
Robert Lansing
Secretary of State

WOODROW WILSON

ANNETTE ISLAND
FISHERY RESERVE